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| 10/816,097 | 04/01/2004 | Jeffrey Jackson | 17264-6102 | 9486 |
| 57449 7590 04/25/2008 SHEEHAN PHINNEY BASS & GREEN, PA c/o PETER NIEVES 1000 ELM STREET MANCHESTER, NH 03105-3701 | | | | |
| EXAMINER | | | | |
| LE, TAN | | | | |
| ART UNIT | | PAPER NUMBER | | |
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| 04/25/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,097

Applicant(s)

JACKSON, JEFFREY

Examiner

Tan Le

Art Unit

3632

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 10, 12 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 11, 13-15 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The examiner would like to note that this action hereby withdraws the finality of the previous office action. The examiner is presenting this supplemental office action due to a mistake in the previous office action that was brought to the examiner's attention by the applicant's attorney. The examiner has provided a more clear explanation of the rejection below. This office action replaces the previous office action.

Applicant's response filed 8/22/07 is acknowledged. Claims 3-5, 9-15 and 17-22 currently are pending. Claims 1-2, 6-8 and 16 have been canceled. Claims 3-5, 10, 12 and 17 were withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9, 11, 13-15, 20, 18-19 and 21-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, independent claims 9 and 22, each claims the subject matter such as "said holding portion being capable of resting only on said horizontal planar surface" (claim 9, lines 4-

5, claim 22, line 4); and independent claim 21 claims "means for holding only to said horizontal planar surface" (line 3) but does not provide support or describe in the original disclosure. The drawings clearly indicate that the holding portion is L-shaped (see figure 8). Therefore, since the holding portion is L-shaped, how is the holding portion adapted to rest "only" on the horizontal planar surface? Since the holding portion is L-shaped, it would be adapted to or capable of resting on a vertical surface as well as a horizontal surface. Thus, the scope of applicant's claim is not clear.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 11, 13-15, 20, 18-19 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 is rejected because It is not clear what constitutes "holding portion" nor how this structure defines the invention, especially since there is no detailed basis in the specification regarding the holding portion 202 except showing on Fig 8 and describes in the specification that the holding portion 202 is to hold the mantle 244 (page 8 of the specification). Claim 9 recites that "...said holding portion being capable of resting only on said horizontal planar surface" (lines 4-5) whereas the holding portion 202 as described on Fig. 8 appears to be comprising both horizontal planar surface and vertical planar surface of the support 200. It is unclear whether the holding portion 202 comprising both horizontal planar surface and vertical planar surface of the support 200

or the holding portion comprising only a horizontal planar surface as claimed in claims 9, 21 and 22.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9, 13, 14, 20, 21 and 18 are rejected under 35 U.S.C. 102b) as being anticipated by US Patent No. 2,743,023 to Larson.

As to claim 9, Larson teaches a hanger apparatus (see Fig. 7).

Larson's Fig 7, shows a hanger apparatus comprising a holding portion (54) shaped so as to allow said apparatus to hold to said structure 50 by an underside portion (56) of said holding portion and being capable of resting only on horizontal planar surface said structure (horizontal surface 50), a frictional element (screw) affixed to said underside portion and positioned on said holding portion to be in contact only with said horizontal surface whereby said frictional element reduces mobility of said holding portion along said horizontal planar surface; and an enclosed central loop (86) enclosed on top portion, a bottom portion, a front portion, and a back portion of said enclosed central loop, said back portion of said enclosed central loop being a portion of said holding portion, and said enclosed central loop being open on a left side portion and a right side portion of said enclosed central loop; a hook 62, 64 being an extension of said back portion of said enclosed central loop, said hook being capable of allowing

said object to be set on said apparatus; wherein said enclosed central loop is capable of allowing a second object to be situated in said central loop after being placed within said left side portion or said right side portion.

Larson's Figures 1 or 4 also shows a hanger apparatus comprising a holding portion (2, 8) shaped so as to allow said apparatus to hold to said structure by an underside portion (8, 10) (under 8 if orientates vertically as shown on Figs 1 or 4), or under 10 if orientates horizontally) of said holding portion and being capable of resting only on horizontal planar surface said structure (if the structure 6 orientates 90-degree, horizontally); a frictional element (12) affixed to said underside portion and positioned on said holding portion to be in contact only with said horizontal surface (if orientates 90-degree horizontally) whereby said frictional element reduces mobility of said holding portion along said horizontal planar surface; and an enclosed central loop (34, 35) enclosed on top portion, a bottom portion, a front portion, and a back portion of said enclosed central loop, said back portion of said enclosed central loop being a portion of said holding portion, and said enclosed central loop being open on a left side portion and a right side portion of said enclosed central loop; a hook being an extension of said back portion of said enclosed central loop, said hook being capable of allowing said object to be set on said apparatus; wherein said enclosed central loop is capable of allowing a second object to be situated in said central loop after being placed within said left side portion or said right side portion.

As to claim 13, wherein said holding portion has a shape that is capable of resting on a mantle. Note that the mantle shape is not defined and is not claimed. The

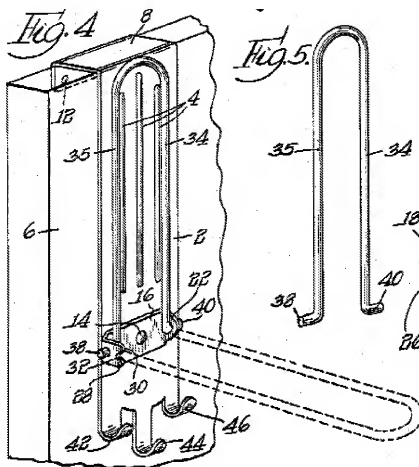
shape of the holding portion is clearly capable of resting on the mantle such as portion (8) can be resting on the mantle.

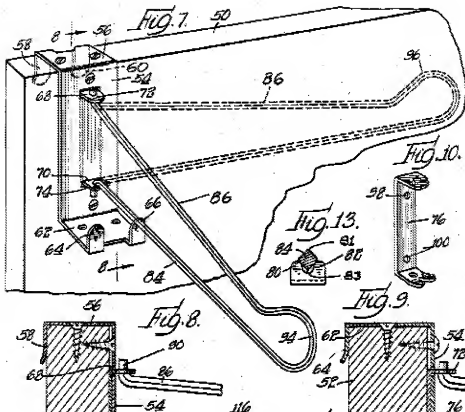
As to claim 14, wherein said hook is shaped to avoid contact with said structure.

As to claim 20, wherein said holding portion contains an elongated top portion (8) and an elongated side portion (2), said elongated side portion extending in a direction substantially perpendicular to said elongated top portion, a portion of said elongated side portion being said back portion of said enclosed central loop.

As to claim 21, claim 21 is substantially similar to claim 9, is therefore also read on Larson, which includes means for holding (8) to said structure; means for gripping (12) for enhancing the grip of said means for holding on said structure; and means for maintaining a second object in said apparatus (an enclosed loop) (see attached figure), said means for maintaining being enclosed on top portion, a bottom portion, a front portion and a back portion, said back portion of said means for maintaining being a portion of said means for holding, and said means for maintaining being open on a left side portion and a right side portion of said means for maintaining; and means for hanging (hook 44 for example) being capable of allowing a first object to hang from said apparatus, said means for hanging being an extension of said back portion of said means for maintaining a second object in said apparatus, wherein said means for maintaining is capable of allowing said second object to be situated in said means for maintaining after being placed within said left side portion or right side portion.

As to claim 18, wherein said means for hanging extends from said means for holding and wherein said means for hanging is shaped to avoid contact with said structure.





Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11, 15 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Larson as discussed above in view of US Patent No. 6,835,452 to Hamerski.

As to claims 11 and 19, Larson teaches the conventional use of a projection 12 as frictional element presses into the wood of the door wall to prevent inadvertent removal (Co. 2, lines 67-69) to grip the hanger to the door but not the use of a double adhesive tape. Hamerski teaches the use of a double adhesive tape (54) to grip/fix the hanger to the wall to minimize the damages to the substrate surface (wall). Minimize the damages to the wall is a highly desirable feature in holding an object to the door wall, therefore It would has been obvious to a person of ordinary skill in the art at the time the invention was made to use double adhesive in place of the projection to better affix as well as to minimize the damage of the wall where the hanger to be hung.

As to claim 15, wherein said the frictional element of Hamerski further includes a thin, rubber pad (66) (see col. 4, lines 8-13).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larson.

As to claim 22, claim 22 basically recites all the features similar to those recite in claims 1 and 21 except that the top portion of said hook extending in a direction that is not perpendicular to said elongated top portion and not parallel to said side portion of said holding portion, in which Larson does not teach as such.

It would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the hook of Larson to be extending in a direction that is not perpendicular to said elongated top portion and not parallel to said side portion of said holding portion (extending an angle with relative to the structure) because Applicant has not disclosed that that the hook extending in a direction that is not perpendicular to said elongated top portion and not parallel to said side portion of said holding portion

provides an advantage or solves a stated problem. One skill in the art furthermore, would have expected Applicant's invention to perform equally well with the hook of that is extending in a direction that is perpendicular to said elongated top portion and parallel to said side portion of said holding portion as in Larson. Therefore it would have been an obvious matter of design choice to modify the hook of Larson to obtain the invention as specified in claim 22. Note that since Applicant has not provided any criticality on the object to be hanging on the hook, therefore the examiner has assumed that when modifying the hook of Larson, no such interfering between the objects to be hung between the closed loop and the hook.

Response to Arguments

Applicant's arguments filed 8/22/07 have been fully considered but they are not deemed to be persuasive.

Argument with 102:

In response to applicant's argument that "Applicant strongly disagrees with this interpretation of the phrase "frictional element", it is believed that this issue is mooted for independent claim 9 by the amendment thereto wherein the frictional element is now required to be "affixed to said underside portion and positioned to be in contact only with said horizontal planar surface", thereby distinguishing over even such a broad interpretation of "frictional element" as when considered to encompass the screws of Larsen. It is therefore believed that this rejection should now be removed for amended claim 9", the examiner disagrees. As pointed out in the office action and as illustrated

on Fig. 4 attached. Larson's projection 12 reads on as the friction element, which is affixed to said underside portion as claimed. Note that Larson's projection 12 presses into the wood to prevent inadvertent removal along not only a horizontal plane but also a vertical plane. This projection 12 is affixed to the underside portion of the holding portion and does a function which considers equivalent to a frictional element function as Applicant claimed. It should also be noted that Applicant's remarks with respect to Figures 7-9 for the limitation "frictional element" is not what Examiner indicated in the office action.

Argument with respect to 103:

Applicant's argument with respect to 103 rejections appears to be relied on the argument of 102. Applicant's general allegation and general expression that these claims are "patentable over the prior art of record" without pointing out how or why is insufficient to overcome such rejections.

Conclusion

THIS ACTION IS MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tan Le
October 26, 2007.

/Brian E. Glessner/
Supervisory Patent Examiner, Art Unit 3633

Application Number**Application/Control No.**

10/816,097

**Applicant(s)/Patent under
Reexamination**

JACKSON, JEFFREY

Examiner

Tan Le

Art Unit

3632